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\*\*\* Bill No. \*\*\*

Introduced By \*\*\*\*\*

By Request of the (Agency or Department)

**- DRAFT COPY -**  
**SUBJECT TO CHANGE**

A Bill for an Act entitled: "An Act providing a definition for "on farm scales"; clarifying the renewal date as the first of the year for on farm scales; clarifying that the grace period for on farm scales ends on June 1 of each year; specifying a 60 day grace period before assessing a late fee for other weighing and measuring devices; amending sections 30-12-101, 30-12-203, and 50-50-207, MCA; providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 30-12-101, MCA, is amended to read:

" **30-12-101. Definitions.** Unless the context requires otherwise, in parts 1 through 5 of this chapter the following definitions apply:

(1) "Barrel", when used in connection with fermented liquor, means a unit of 31 gallons.

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(2) "Commerce", "trade", or "commercial" means a monetary or value exchange between parties for merchandise or services.

(3) "Commodity in package form" means a commodity put up or packaged in any manner in advance of sale in units suitable for either wholesale or retail sale, exclusive of any auxiliary shipping container enclosing packages that individually conform to the requirements of parts 1 through

5. An individual item or lot of any commodity not in a consumer package form or nonconsumer package form, but on which there is marked a selling price based on an established price per unit of weight or of measure, is a commodity in package form.

(4) "Consumer package" or "package of consumer commodity" means a commodity in package form that is customarily produced or distributed for sale through retail sales agencies or instrumentalities for consumption by individuals or use by individuals for the purposes of personal care or in the performance of services ordinarily rendered in or about the household or in connection with personal possessions.

(5) "Cord", when used in connection with wood intended for fuel purposes, means the amount of wood that

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is contained in a space of 128 cubic feet when the wood is ranked and well stowed.

(6) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

(7) "Intrastate commerce" means any commerce or trade that is begun, carried on, and completed wholly in this state, and the phrase "introduced into intrastate commerce" defines the time and place at which the first sale and delivery of a commodity is made in this state, the delivery being made either directly to the purchaser or to a common carrier for shipment to the purchaser.

(8) "Nonconsumer package" or "package of nonconsumer commodity" means a commodity in package form other than a consumer package and particularly a package designed solely for industrial or institutional use or for wholesale distribution only.

(9) "On farm scale" means a scale that is permanent or mobile located on a farm or ranch and used primarily by the owner/operator of the farm or ranch. An on farm scale may be a livestock scale used for the weighing of live animals, a vehicle scale used for weighing grain, hay or other field crop, or a combination livestock/vehicle scale.

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Last printed 10/14/2004 8:56 AM

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~~(9)~~ (10) "Person" includes individuals, partnerships, corporations, companies, societies, and associations.

~~(10)~~ (11) "Sell" and "sale" include but are not limited to barter and exchange.

~~(11)~~ (12) "Ton" means a unit of 2,000 pounds avoirdupois weight.

~~(12)~~ (13) "Weight", when used in connection with any commodity, means net weight.

~~(13)~~ (14) (a) "Weight", "measure", and "weights and measures" mean all weights and measures of every kind, instruments and devices for weighing and measuring, and any appliances and accessories associated with those instruments and devices. The terms do not include meters for the measurement of electricity, gas (natural or manufactured), or water when they are operated in a public utility system. The provisions of parts 1 through 5 do not apply to electricity, gas, or water meters operated in a public utility system or to any appliances or accessories associated with them.

(b) The terms do not include time measuring devices by which products or services are sold."

{Internal References to 30-12-101:  
30-12-106x }

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Last printed 10/14/2004 8:56 AM

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**Section 2.** Section 30-12-203, MCA, is amended to read:

" **30-12-203. Licensing of weighing devices.** (1) A person may not knowingly operate or use an unlicensed weighing device in trade or commerce for ascertaining the weight of any commodity.

(2) A license must be obtained by making application to the department upon blank forms to be provided by the ~~division of weights and measures~~ department. Each license must require at least one inspection per year.

(3) An application must be accompanied by the proper fee as established by this section except that fees may be paid by credit card and may be discounted for payment processing charges paid by the department to a third party.

### WEIGHING DEVICES

Capacity	Fees
499 pounds or less	\$ 12.00
500 pounds through 1,999 pounds	20.00
2,000 pounds through 7,999 pounds	40.00
8,000 pounds through 60,000 pounds	100.00
60,001 pounds or more	175.00

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(4) The capacity of a weighing device must be determined by the manufacturer's rated capacity.

(5) All licenses must be annual and expire on the anniversary date established by rule by the board of review established in 30-16-302 except for "on farm scales" which are to be renewed annually and expire at the end of the calendar year.

(6) (a) For "on farm scales" a ~~A~~ late renewal fee equal to 50% of the renewal license fee established in subsection (3) must be assessed if the fee is not paid before the first day of the sixth month of the year in which the license fee is due. ~~A person failing to pay the renewal license fee~~ If the fee is not paid before the first day of the sixth month of the year in which the license fee is due, the "on farm scale" may be sealed and removed from service by the department. It is unlawful for anyone to use a device removed from service or to break the seal until all fees have been paid. ~~forfeits the right to use the weighing device, and it must be taken out of service by the division of weights and measures until the renewal fee and late renewal fee are paid.~~

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Last printed 10/14/2004 8:56 AM

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(b) For all other licenses, a late renewal fee equal to 50% of the renewal fee established in subsection (3) must be assessed if the fee is not paid within 60 days of the anniversary date of the license. If the fees are not paid within the time specified in this subsection (6)(b), the equipment may be sealed and removed from service by the department. It is unlawful for anyone to use a device removed from service or to break the seal until all fees have been paid.

(7) The fees must be deposited to the state special revenue fund of the department for use in the administration and enforcement of this part."

{Internal References to 30-12-203:

30-16-301x          30-16-301x          50-50-207x }

**Section 3.** Section 50-50-207, MCA, is amended to read:

" **50-50-207. Expiration date of license.** (1) Except as provided in subsection (2), licenses expire on December 31 following the date of issue unless canceled for cause.

(2) License renewals provided for in 16-11-122, 30-12-203, 50-50-207, 80-7-106, and 82-15-105 expire on the anniversary date established by rule by the board of review

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established in 30-16-302 unless a more specific date for a  
license is established in statute for the license."

{*Internal References to 50-50-207:*

30-16-301x            30-16-301x            50-50-207x    }

NEW SECTION. **Section 4. {standard} Effective date.**

[This act] is effective on passage and approval and applies  
to measuring a weighing devices licensed or renewed on or  
after the effective date.

-END-